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**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

SCH-1799

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to:
Commissioner of Patents, P O Box 1450, Alexandria, VA 22313-1450 on: November 21, 2005
Name: Heidi Wallenhorst

Signature: Heidi Wallenhorst

In re Application of

MIWA et al.

Application Number

09/787,394

Filed

May 16, 2001

For **NEAR INFRARED FLUORESCENT CONTRAST AGENT AND
FLUORESCENCE IMAGING**

Group Art Unit

1617

Examiner

S.G. SHARAREH

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, May 19, 2005, rejecting the following claims: 29, 31-32, 35-48.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 500.00.

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ ____.

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 13-3402. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed.

☒ attorney or agent of record.

☐ attorney or agent acting under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a): _____.

[Signature]
Signature

Anthony J. Zelano, Reg. No. 27,969

Typed or printed name

November 21, 2005

Date

11/25/2005 DTESSEM1 00000049 09787394

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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 5 forms are submitted.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.